

REMARKS AND ARGUMENTSRECEIVED
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Claims 1, 3, 5 and 10 are pending, of which claim 1 is the sole independent claim. No change has been made in the claims by this Response.

Claims 1, 3, 5 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnabend (U. S. Pat. No. 4,384,096) or Gassenmeier *et al.* (U. S. Pat. Appl. No. 2001/0031714 A1; "Gassenmeier") each taken alone and in view of Eisenhart *et al.* (U.S. Pat. No. 5,451,641; "Eisenhart"). Applicants respectfully traverse these rejections.

The Office Action acknowledges that Sonnabend and Gaasenmeier do not teach the multi-stage polymers recited in Applicants' claims, but states that it would be "prima facie obvious to use the multi-stage process of Eisenhart *et al.* for the preparation of the polymer particles of Sonnabend and Gassenmeier *et al.*" A *prima facie* finding of obviousness requires that the prior art "suggest the desirability of the claimed invention." M.P.E.P. § 2143.01. Applicants respectfully submit that the conclusory statement quoted above does not demonstrate how the prior art suggests the present invention, and thus it is insufficient to establish obviousness.

Moreover, Applicants will show that the references do not in fact suggest the claimed invention. First, as to Sonnabend in view of Eisenhart, the Office Action cites Eisenhart as providing disclosure of the "multi-stage emulsion polymers" recited in Applicants' claims. However, Eisenhart does not teach the use of these polymers for release of active ingredients. Eisenhart is directed solely to pH-sensitive thickeners, as is Sonnabend, and accordingly neither reference teaches release of active ingredients. Therefore, even if one were motivated to combine Sonnabend and Eisenhart, this could not produce the claimed invention, in which the multi-stage polymer is combined "with one or more active ingredients" which can be released "to an aqueous system as a result of a change in ionic strength of the aqueous system." Therefore Eisenhart and Sonnabend cannot render the present invention obvious.

As to Gassenmeier in view of Eisenhart, Gassenmeier does not suggest that its polymers could be used in paints, but suggests only that they could be used for the purpose of releasing active ingredients in cleaning products. In contrast, Eisenhart suggests using its polymers for the purpose of thickening, and moreover, mainly for thickening latex paints. Applicants respectfully submit that Gassenmeier and Eisenhart are non-analogous art in that they use polymers for different purposes, and also in different types of products. One skilled in the art who read Gassenmeier, and was seeking to release active ingredients in cleaning products, would have no reason to investigate either: (1) art disclosing thickeners; or (2) art related to latex paints. Eisenhart is in both categories. Therefore, Gassenmeier and Eisenhart cannot properly be combined and the rejection should be withdrawn.

Claims 1, 3 and 10 were provisionally rejected for obviousness-type double patenting over claims 1-8 and 1-10 of copending Application Nos. 10/619,061 and 10/348,375, respectively (neither has been allowed to date), in view of Eisenhart. Applicants respectfully traverse these provisional rejections.

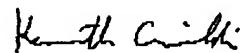
The currently pending claims of Application No. 10/348,375 disclose a "barrier composition" in which the polymers are combined "with one or more active ingredients." As argued above, Eisenhart is directed solely to pH-sensitive thickeners, mainly for use in latex paints, and does not suggest their use with active ingredients. There is no reason for one skilled in the art to combine the disclosure of the '375 claims with Eisenhart, which is in a different field.

The currently pending claims of Application No. 10/619,061 disclose a "triggered response composition" which comprises "30-95 weight percent ... butyl acrylate, styrene and methyl methacrylate," with "calcium, magnesium and barium" ions as cross-linkers. The "triggered response" occurs on changing the ionic strength of the solution from that "equivalent to 0.5 M sodium chloride or higher" to that "equivalent to less than 0.1 M

sodium chloride." There is no reason one skilled in the art would combine this disclosure with that of Eisenhart, in which pH is the trigger, and in which there is no active ingredient. Therefore, Applicants respectfully submit that the provisional double patenting rejections should be withdrawn as well.

Applicants believe that the foregoing arguments have addressed the rejections. However, if the Examiner has any further objections to the application, Applicants respectfully request that the Examiner contact Applicants' undersigned attorney by telephone at (847) 649-3891 to discuss any remaining issues.

Respectfully submitted,



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